

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**


MICHAEL IRVIN,

Plaintiff,

V.

MARRIOTT INTERNATIONAL, INC.
AND JANE DOE,

Defendants.



CIVIL ACTION NO. 4:23-cv-131

NOTICE OF REMOVAL

COMES NOW Marriott International, Inc. (“Marriott” or “Defendant”), Defendant in this civil action brought on February 9, 2023 in the 429th Judicial District Court, Collin County, Texas and files its Notice of Removal. Pursuant to provisions of Sections 1332, 1441 and 1446 of Title 28 of the United States Code, Marriott removes this action to the United States District Court for the Eastern District of Texas, Sherman Division, the judicial district and division in which the action is pending.

PLEADINGS, PROCESS, AND ORDERS

1. On or about February 9, 2023, Plaintiff Michael Irvin (“Plaintiff”) commenced the above-styled action against Defendant in the Superior Court of the 429th Judicial District Court, Collin County, Texas, Cause No. 429-00627-2023 (the “State Court Action”).¹ The case is currently pending before that court. A certified copy of the Docket Sheet for the State Court Action is attached here to as **Exhibit A**.

¹ Pursuant to the requirements of Local Rule CV-81(c)(5), the 429th District Court is located at the Russell A. Steindam Courts Building, 2100 Bloomdale Road, Suite 10014, McKinney, TX 75071.

2. In the State Court Action, Plaintiff has asserted claims for defamation (Count One) and tortious interference with a business relationship (Count Two) against Marriott, arising out of a series of events that allegedly occurred at the Renaissance Phoenix Downtown Hotel in Phoenix, Arizona in the days leading up to the 2023 Super Bowl.

3. Marriott was served with a copy of the Citation and Petition on February 13, 2023. A true and correct copy of the Citation and Petition as served on Marriott is attached hereto as **Exhibit B and Exhibit D**. Marriott has not yet answered the Petition, and the time to do so has not expired.

4. A copy of the remaining portions of the file obtained from the 429th District Court of Collin County—including a copy of all process, pleadings, and orders served upon Marriott—is attached hereto as referenced below.

Exhibit	Description	Date Filed in State Court
A	Docket Sheet from State Court	N/A
B	Plaintiff's Original Petition	02/09/2023
C	Citation issued to Marriott International, Inc.	02/10/2023
D	Citation return as to Marriott International, Inc.	02/14/2023
E	Plaintiff's Motion for Expedited Discovery	02/16/2023
F	Order on Plaintiff's Motion for Expedited Discovery	02/16/2023
G	List of Parties and Attorneys	N/A

5. This Court has federal diversity jurisdiction over this case as set forth in 28 U.S.C. § 1332. Federal diversity jurisdiction requires that the amount in controversy equal or exceed \$75,000 and that the parties be citizens of different states. 28 U.S.C. § 1332. As shown below, both of those requirements are met here.

DIVERSITY OF CITIZENSHIP

6. Plaintiff alleges that he “is an individual residing in Collin County, Texas.” (Ex. B (Petition) ¶ 2.01.)

7. “For the purposes of diversity jurisdiction, a corporation is a citizen of the state in which it was incorporated and the state in which it has its principal place of business.” *Tewari De-Ox Sys., Inc. v. Mountain States/Rosen Liab. Corp.*, 757 F.3d 481, 483 (5th Cir. 2014); *see also* 28 U.S.C. § 1332(c)(1) (“[A] corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.”)

8. Defendant Marriott International, Inc. is a Delaware corporation with its principal place of business in Maryland. (Petition ¶ 2.02). Accordingly, for diversity purposes, at the time of the filing of this action and as of the date of this removal, Defendant Marriott International, Inc. is and has been a citizen of the States of Maryland and Delaware.

9. Because Plaintiff is a citizen of Texas and Marriott is a citizen of Maryland and Delaware, complete diversity exists between the parties for purposes of federal diversity jurisdiction.

AMOUNT IN CONTROVERSY

10. “District courts ordinarily consult a plaintiff’s state court petition to determine the amount in controversy.” *Roadrunner Trailers of Texas, Inc. v. Monaco Coach Corp.*, 563 F. Supp. 2d 649, 651 (E.D. Tex. 2005) (citing *Manguno v. Prudential Prop. & Cas. Ins. Co.*, 276 F.3d 720, 723 (5th Cir. 2002)). “The test is whether it is apparent from the face of the petition that the claims are likely to exceed \$75,000.” *Id.*

11. Here, the Petition expressly states that “Plaintiff seeks monetary relief in excess of \$100,000,000.00.” (Petition ¶ 1.02.) Thus, it is “apparent from the face of the petition” that the amount in controversy exceeds \$75,000. *See Roadrunner Trailers*, 563 F. Supp. 2d at 651

(finding it was “beyond dispute that [Plaintiff’s] claims far exceed the \$75,000 statutory minimum” based on the amount sought on the face of the petition).

TIMELINESS OF REMOVAL

12. Plaintiff served Marriott with a copy of the Citation and Petition on February 13, 2023. (*See Exhibit G*) This Notice of Removal is timely in that it has been filed within thirty (30) days after receipt by Marriott, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based. 28 U.S.C. § 1446(b).

REMAINING PROCEDURAL PREREQUISITES

13. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all parties and to the Clerk of the 429th District Court of Collin County, Texas.

14. A complete list of the attorneys involved in this action, including each attorney’s state bar number, address, telephone number, and the party represented by each attorney, is attached hereto as **Exhibit E**.

15. Plaintiff has demanded a jury trial in the State Court Action.

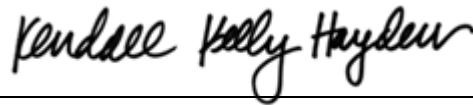
16. Pursuant to Local Rule CV-81(c), Marriott has provided the required information by and through the filing of this Notice of Removal.

PRAYER

WHEREFORE, Defendant respectfully prays this suit be removed from the 429th District Court of Collin County, Texas to the United States District Court for the Eastern District of Texas, Sherman Division, pursuant to Sections 1332, 1441, and 1446 of Title 28 of the United States Code.

Respectfully submitted,

COZEN O'CONNOR

A handwritten signature in black ink that reads "Kendall Kelly Hayden". The signature is written in a cursive, flowing style.

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**ATTORNEYS FOR MARRIOTT
INTERNATIONAL, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2023, a true and correct copy of the above and foregoing was sent to all counsel of record, via electronic service and/or via certified mail, return receipt requested.

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